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MOTION

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I move to accept the specific recommendations of the Governor as to House Bill 1468 in manner and form as follows:

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AMENDMENT TO HOUSE BILL 1468

5

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

6

Amend House Bill 1468 on page 1, immediately below line 3, by inserting the following:

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8

"Article 1. Gun Violence Restraining Order Act.

9

Section 1-1. Short title. This Article may be cited as the Gun Violence Restraining Order Act, and references in this Article to "this Act" mean this Article.

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Section 1-5. Legislative findings. The General Assembly finds as a matter of legislative determination that to protect the safety and welfare of the public it is necessary to provide a system of identifying and disarming persons who pose a danger of imminent personal injury to themselves or others.

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Section 1-10. Definitions. In this Act:

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"Danger" means reasonably likely to cause death or serious bodily injury.

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"Firearm" has the same meaning ascribed to the term in Section 1.1 of the Firearm Owners Identification Card Act.

21

1 "Firearm ammunition" has the same meaning ascribed to the  
2 term in Section 1.1 of the Firearm Owners Identification Card  
3 Act.

4 "Immediate family member" means a spouse, child, sibling,  
5 parent, grandparent, or grandchild, and includes a  
6 step-parent, step-child, step-sibling, or adoptive or foster  
7 relationship, or any other person who regularly resides in the  
8 same household.

9 Section 1-15. Emergency gun violence restraining order.

10 (a) Upon written complaint for an emergency gun violence  
11 restraining order filed by a State's Attorney, assistant  
12 State's Attorney, law enforcement officer, or immediate family  
13 member supported by evidence submitted under oath or  
14 affirmation, subject to the penalties for perjury, and stating  
15 facts sufficient to show probable cause to believe that:

16 (1) the identified person poses an imminent danger of  
17 causing death or serious bodily injury to himself, herself,  
18 or any other person;

19 (2) the person possesses or has ready access to one or  
20 more firearms; and

21 (3) less restrictive alternatives either have been  
22 tried and found to be ineffective or would be inadequate or  
23 inappropriate under the circumstances,

24 any judge in the jurisdiction in which the person who is the  
25 subject of the complaint resides or is currently located may

1 issue an emergency gun violence restraining order prohibiting  
2 the subject of the complaint from possessing, controlling,  
3 purchasing, receiving, or attempting to possess, control,  
4 purchase, or receive a firearm or firearm ammunition.

5 (a-5) Upon a finding by the court supported by a  
6 preponderance of the evidence that a complaint for an emergency  
7 gun violence restraining order is frivolous and filed for a  
8 vexatious reason, the court shall order the complaining party  
9 to pay any attorney's fees and court costs incurred by the  
10 person who is the subject of the complaint and to pay a civil  
11 penalty of at least \$500 and up to \$1000, to be paid in that  
12 order of priority.

13 (b) In all cases in which a complaint seeking an emergency  
14 gun violence restraining order pursuant to subsection (a) of  
15 this Section is filed by a person other than a State's Attorney  
16 or assistant State's Attorney, the judge receiving the  
17 complaint shall promptly notify the appropriate State's  
18 Attorney's office of the filing of the complaint and provide  
19 the State's Attorney or his or her representative an  
20 opportunity to be heard on the matter before issuing the  
21 requested order, provided such opportunity to be heard causes  
22 no material delay.

23 (c) The court issuing an emergency gun violence restraining  
24 order under subsection (a) of this Section may order redaction  
25 of the name and any other personal identifying information of  
26 any affiant or witness other than a law enforcement officer or

1 prosecutor in any copies of the complaint, order, or any  
2 related documents, provided that the unredacted original shall  
3 be maintained in an official court file that may be ordered  
4 sealed until further order of the court.

5 Section 1-20. Consideration of factors.

6 (a) In determining whether grounds exist to issue an  
7 emergency gun violence restraining order, the judge may  
8 consider, but is not limited to, evidence of:

9 (1) recent threats, acts, or attempted acts of violence  
10 the person against himself, herself, or another person or  
11 persons;

12 (2) a history of threats, acts, or attempted acts of  
13 violence by the person against himself, herself, or another  
14 person or persons;

15 (3) recent acts of cruelty to animals as described in  
16 Section 3.01 of the Humane Care for Animals Act;

17 (4) social media posts or any other statements or  
18 actions by such person evidencing an intent or propensity  
19 to commit an act of violence resulting in personal injury  
20 to himself, herself, or any other person;

21 (5) any previous determination that the person poses a  
22 clear and present danger under subsection (d) of Section  
23 8.1 of the Firearm Owners Identification Card Act and  
24 related administrative rules;

25 (6) failure to take medications prescribed to control a

1           mental illness otherwise likely to result or has previously  
2           resulted in violent behavior;

3           (7) any disqualifying factor for eligibility for a  
4           Firearm Owner's Identification Card under the Firearm  
5           Owners Identification Card Act;

6           (8) the illegal use of controlled substances or  
7           excessive use of alcohol by the person; and

8           (9) any available evidence the person does not pose an  
9           imminent danger of causing death or serious bodily injury  
10          to himself, herself, or any other person.

11          (b) In considering the weight to be given to these and any  
12          other relevant factors, the judge shall consider the evidence  
13          as a whole.

14          (c) Any emergency gun violence restraining order issued  
15          shall expire no later than 14 days from the date the order is  
16          issued. The order shall state the date and time the order was  
17          entered and shall expire. The order shall also contain the  
18          following statement:

19                 "Based on credible evidence presented to the Court, the  
20                 Court finds: (1) there is probable cause to believe that  
21                 the person identified above poses an imminent danger of  
22                 causing death or serious bodily injury to himself, herself,  
23                 or another person or persons; (2) the person identified  
24                 above possesses or has ready access to one or more  
25                 firearms; and (3) less restrictive alternatives to  
26                 entering this order either have been tried and found to be

1           ineffective or would be inadequate or inappropriate under  
2           the circumstances. Based on those findings, the Court  
3           orders that the person identified above shall immediately  
4           surrender to the law enforcement officer or officers  
5           serving upon him or her a copy of this order all firearms  
6           and firearm ammunition he or she possesses, controls, or to  
7           which he or she has ready access. Further, the person  
8           identified above is prohibited from possessing,  
9           controlling, purchasing, receiving, or attempting to  
10          possess, control, purchase, or receive a firearm or firearm  
11          ammunition while this order is in effect. An evidentiary  
12          hearing shall be held within 14 days on the date and at the  
13          time and place stated below to determine whether this  
14          temporary emergency order should be made permanent for a  
15          period up to six months. At the hearing, the person  
16          identified above shall have the right to appear, present  
17          evidence, testify on his or her own behalf if he or she  
18          chooses to do so, make arguments to the court, and be  
19          represented by an attorney retained at his or her own  
20          expense."

21          The order shall also state the date, time, and place of the  
22          hearing.

23               (d) A copy of any emergency gun violence restraining order  
24               entered shall be served on the subject of the complaint by one  
25               or more law enforcement officers as soon as reasonably possible  
26               after being entered. The officer or officers shall immediately

1 take custody of all firearms and firearm ammunition surrendered  
2 by the subject of the complaint or in a location to which the  
3 officer or officers have or gain lawful access, which shall be  
4 maintained in the custody of the sheriff or law enforcement  
5 agency where the person resides or is found or the items are  
6 surrendered until further order of the court.

7 (e) If no further action is taken by the court by the date  
8 and time the order expires and if the person who is the subject  
9 of the order is lawfully entitled to possess a firearm, then  
10 any firearm or other items surrendered, seized, or transferred  
11 under the emergency gun violence restraining order shall be  
12 promptly returned to the person or transferred to an authorized  
13 representative lawfully entitled to possess them.

14 Section 1-25. Gun violence prevention search warrant.

15 (a) In any case in which a judge issues an emergency gun  
16 violence restraining order or gun violence restraining order,  
17 upon written application filed by a State's Attorney, assistant  
18 State's Attorney, or law enforcement officer supported by  
19 evidence submitted under oath or affirmation stating facts  
20 sufficient to show probable cause to believe that: (1)  
21 certifying that the applicant has conducted an independent  
22 investigation and determined that no reasonably available  
23 alternative will prevent such person from causing death or  
24 serious bodily injury to himself, herself, or another person  
25 with a firearm or firearms, any judge with jurisdiction where

1 the items are located may issue a search warrant for seizure of  
2 the firearm or firearms.

3 (b) An application for a gun violence prevention search  
4 warrant may incorporate by reference any previous complaint or  
5 other evidence submitted in the matter and the judge may take  
6 judicial notice of any evidence presented to the court and any  
7 judicial findings entered in any prior proceedings relating to  
8 the matter.

9 (c) Unless otherwise provided in this Act, the procedures  
10 for issuance and execution of a gun violence prevention search  
11 warrant shall conform to applicable provisions of Article 108  
12 of the Code of Criminal Procedure of 1963.

13 (d) In determining whether grounds exist to issue a gun  
14 violence prevention search warrant, the judge may consider, but  
15 is not limited to, the factors described in Section 1-20 of  
16 this Act.

17 Section 1-30. Hearing; gun violence restraining order; and  
18 disposition of firearms.

19 (a) No later than 14 days after issuance of an emergency  
20 gun violence restraining order issued under Section 1-15 of  
21 this Act, a court with jurisdiction where the subject of the  
22 order resides or is found shall hold an evidentiary hearing to  
23 determine whether a gun violence restraining order should be  
24 entered. At the hearing, the petitioner, or the State's  
25 Attorney if the petitioner was a law enforcement officer, shall

1 have the burden of proving all material facts by clear and  
2 convincing evidence. At the hearing, the person who is the  
3 subject of the emergency gun violence restraining order shall  
4 have the right to appear, present evidence, testify on his or  
5 her own behalf if he or she chooses to do so or remain silent,  
6 make arguments to the court, and be represented by an attorney  
7 retained at his or her own expense.

8 (a-5) The hearing may be continued for up to 30 days at the  
9 request of the person who is the subject of the emergency gun  
10 violence restraining order. If the person who is the subject of  
11 the emergency gun violence restraining order fails to appear  
12 after being served with a copy of the emergency gun violence  
13 restraining order or after reasonable efforts to serve such  
14 order have failed, the evidentiary hearing may proceed in his  
15 or her absence.

16 (b) In determining whether grounds exist to issue a gun  
17 violence restraining order, the judge may consider, but is not  
18 limited to, the factors described in Section 1-20 of this Act.

19 (c) If, after a hearing held pursuant to subsection (a) of  
20 this Section, the judge finds by clear and convincing evidence  
21 that:

22 (1) the subject of the emergency gun violence  
23 restraining order poses an imminent danger of causing death  
24 or serious bodily injury to himself, herself, or any other  
25 person;

26 (2) the person possesses or has ready access to one or

1 more firearms; and

2 (3) less restrictive alternatives either have been  
3 tried and found to be ineffective or would be inadequate or  
4 inappropriate under the circumstances, the judge shall  
5 enter a gun violence restraining order containing the same  
6 prohibitions described in Section 1-15 of this Act and  
7 ordering that any firearm and firearm ammunition  
8 surrendered or seized under the emergency gun violence  
9 restraining order or gun violence prevention search  
10 warrant issued under this Act shall continue to be held for  
11 safekeeping by a designated law enforcement agency for a  
12 period not to exceed six months. Otherwise, the judge shall  
13 order that the surrendered or seized firearm and firearm  
14 ammunition be returned to the subject of the emergency  
15 order.

16 (c-5) All firearms and firearm ammunition surrendered or  
17 seized under this Act shall be maintained by the law  
18 enforcement agency having custody of the items in a location  
19 and such manner that when returned or transferred to their  
20 owner they shall be in the same physical and operating  
21 condition as when surrendered or seized.

22 (d) Any person whose firearm or firearm ammunition have  
23 been surrendered or ordered seized pursuant to this Act, or the  
24 person's legal representative, may transfer ownership or  
25 possession of the items in accordance with the provisions of  
26 subsection (a) of Section 9.5 of the Firearm Owners

1 Identification Card Act, or other applicable state or federal  
2 law, to any person eligible to possess a firearm under the  
3 Firearm Owners Identification Card Act, subject to an order by  
4 the court and agreement of the person receiving the items that  
5 they shall be maintained in a secure manner inaccessible to the  
6 subject of an emergency gun violence restraining order or gun  
7 violence restraining order while any such order is in effect.

8 (e) If the judge at any time determines that a firearm or  
9 other item surrendered or seized under an emergency gun  
10 violence restraining order, gun violence restraining order, or  
11 search warrant is owned by another person who is lawfully  
12 eligible to possess a firearm, the judge may order the law  
13 enforcement agency having custody of the firearm or item to  
14 deliver the firearm or item to the owner, subject to an order  
15 by the court and agreement of the person receiving the items  
16 that they shall be maintained in a secure manner inaccessible  
17 to the subject of an emergency gun violence restraining order  
18 or gun violence restraining order while any such order is in  
19 effect.

20 (f) At any time after a court orders a law enforcement  
21 agency to retain a person's firearm or firearm ammunition under  
22 this Act, the person may petition the court for return of the  
23 item. Upon receipt of the petition the court shall enter an  
24 order setting a date for a hearing on the petition and inform  
25 the person and State's Attorney of the date, time, and location  
26 of the hearing. In a hearing on a petition under this

1 subsection (f), the person whose firearm or firearm ammunition  
2 has been surrendered or seized may be represented by an  
3 attorney retained at his or her own expense; and shall have the  
4 burden of proving by a preponderance of the evidence that the  
5 person does not pose an imminent danger of causing serious  
6 bodily injury to himself, herself, or any other person.

7 (g) If, after a hearing held under subsection (f) of this  
8 Section, the judge finds that the person who is the subject of  
9 the complaint does not pose an imminent danger of serious  
10 bodily injury to himself, herself, or any other person and that  
11 the person is otherwise eligible to lawfully possess a firearm  
12 under the Firearm Owners Identification Card Act, the judge  
13 shall order the law enforcement agency having custody of the  
14 firearm or firearm ammunition to promptly return the item to  
15 the person or authorized representative. The court shall direct  
16 the Department of State Police to return and reinstate the  
17 person's Firearm Owner's Identification Card if not otherwise  
18 expired, suspended, or revoked. If the judge denies the  
19 person's petition, the judge shall order that the firearm or  
20 firearm ammunition surrendered or seized under this Act  
21 continue to be held by the sheriff or law enforcement agency  
22 having custody of them for a period not to exceed six months  
23 from the date of denial of the petition, and the person may not  
24 file a subsequent petition until at least 90 days after the  
25 date on which the petition was denied.

26 (h) Upon expiration of the last order directing a law

1 enforcement agency to retain a person's firearm or firearm  
2 ammunition under this Act, and upon request by the person who  
3 surrendered the items or from whom the items were seized, the  
4 law enforcement agency with custody of the items shall release  
5 the items to the person if the person is otherwise eligible to  
6 lawfully possess a firearm to lawfully possess a firearm under  
7 the Firearm Owners Identification Card Act. If the person fails  
8 to request return of the firearm or firearm ammunition is  
9 ineligible to lawfully possess a firearm and fails to transfer  
10 the firearm or other item to another person pursuant to  
11 subsection (d) of this Section, the law enforcement agency  
12 shall continue to retain the firearm or other item until entry  
13 of a court order under subsection (i) of this Section.

14 (i) If after 5 years from the expiration of the last order  
15 directing a law enforcement agency to retain a person's firearm  
16 or firearm ammunition under this Act, a firearm or firearm  
17 ammunition continues to be held by a law enforcement agency  
18 under the order and the person who is the subject of the order  
19 fails to request return of the item or is ineligible to  
20 lawfully possess a firearm and fails to transfer the firearm or  
21 other item to another person pursuant to subsection (d) of this  
22 Section, the court, after giving notice to the parties and  
23 conducting a hearing, may order the law enforcement agency  
24 having custody of the firearm or other item to dispose of the  
25 firearm or other item in whatever manner the court deems  
26 appropriate.

1           Section 1-35. Suspension of Firearm Owner's Identification  
2 Card and concealed carry license.

3           (a) Upon issuance of an emergency gun violence restraining  
4 order under subsection (a) of Section 1-15 of this Act, the  
5 court shall immediately notify the Department of State Police.  
6 The local law enforcement agency, upon direction of the court,  
7 shall immediately mail the person's Firearm Owner's  
8 Identification Card and any concealed carry license to the  
9 Department of State Police Firearm Owners Identification Card  
10 Office for safekeeping. Upon receipt of the notice, the  
11 Department of State Police shall immediately suspend any  
12 Firearm Owner's Identification Card and Concealed Carry  
13 License of the person who is the subject of the order, pending  
14 the outcome of a hearing held pursuant to Section 1-30 of this  
15 Act. If, after the hearing, the court fails to issue a gun  
16 violence restraining order the court shall immediately notify  
17 the Department of State Police. Upon receipt of the notice, the  
18 Department of State Police shall immediately reinstate and  
19 return the person's Firearm Owner's Identification Card and any  
20 concealed carry license at no cost to the person.

21           (b) Upon entry of a gun violence restraining order pursuant  
22 to Section 1-30 of this Act, the court shall immediately notify  
23 the Department of State Police. Upon receipt of such notice,  
24 the Illinois State Police shall immediately suspend any Firearm  
25 Owner's Identification Card and concealed carry license of the  
26 person who is the subject of the order for the duration of the

1 order.

2 Section 1-40. Military and police firearms and personnel.

3 (a) Notwithstanding any other provision of this Act, this  
4 Act shall not be construed or applied to restrict the Illinois  
5 National Guard or Armed Forces of the United States from  
6 issuing firearms to its personnel. Any firearm or firearm  
7 ammunition surrendered or seized under this Act issued by or  
8 otherwise constituting property of the Illinois National Guard  
9 or Armed Forces of the United States shall be promptly  
10 delivered to the Illinois National Guard or appropriate branch  
11 of the Armed Forces of the United States to be retained and  
12 used in whatever manner that entity deems appropriate. Notice  
13 of any order entered under this Act relating to a member of the  
14 Illinois National Guard or Armed Forces of the United States  
15 shall be promptly provided to the Illinois National Guard or  
16 appropriate branch of the Armed Forces of the United States.

17 (b) Any firearms or firearm ammunition surrendered or  
18 seized under this act issued by or otherwise constituting  
19 property of a law enforcement agency shall be promptly  
20 delivered to the law enforcement agency to be retained and used  
21 in whatever manner the agency deems appropriate, except that no  
22 such firearm or firearm ammunition may be possessed by a person  
23 subject to an order entered under this Act. Notice of any order  
24 entered under this Act relating to a law enforcement officer  
25 shall be promptly provided to the person's law enforcement

1 agency.

2 Section 1-45. Penalty. A person who knowingly violates an  
3 emergency gun violence restraining order or gun violence  
4 restraining order entered under this Act shall be guilty of a  
5 Class 4 felony.

6 Article 5. Gun Crime Charging and Sentencing Accountability and  
7 Transparency Act.

8 Section 5-1. Short title. This Article may be cited as the  
9 Gun Crime Charging and Sentencing Accountability and  
10 Transparency Act, and references in this Article to "this Act"  
11 mean this Article.

12 Section 5-5. Plea agreement; State's Attorney. In a  
13 criminal case, if a defendant is charged with an offense  
14 involving the illegal use or possession of a firearm and  
15 subsequently enters into a plea agreement in which in the  
16 charge will be reduced to a lesser offense or a non-weapons  
17 offense in exchange for a plea of guilty, at or before the time  
18 of sentencing, the State's Attorney shall file with the court a  
19 written statement of his or her reasons in support of the plea  
20 agreement, which reasons shall specifically explain why the  
21 offense or offenses of conviction that result from the plea  
22 agreement do not include the originally charged weapons

1 offense. The written statement shall be part of the court  
2 record in the case and a copy shall be provided to any person  
3 upon request.

4 Section 5-10. Sentencing; judge. In a criminal case in  
5 which the original charge is or was for an offense involving  
6 the illegal use or possession of a firearm, if a defendant  
7 pleads guilty or is found guilty of the original charge or a  
8 lesser offense or a non-weapons offense, in imposing sentence  
9 the judge shall set forth in a written sentencing order his or  
10 her reasons for imposing the sentence or accepting the plea  
11 agreement. A copy of the written sentencing order shall be  
12 provided to any person upon request.

13 Article 10. Amendatory Provisions.

14 Section 10-5. The Counties Code is amended by changing  
15 Section 5-1006.7 as follows:

16 (55 ILCS 5/5-1006.7)

17 Sec. 5-1006.7. School facility and resources occupation  
18 taxes.

19 (a) In any county, a tax shall be imposed upon all persons  
20 engaged in the business of selling tangible personal property,  
21 other than personal property titled or registered with an  
22 agency of this State's government, at retail in the county on

1 the gross receipts from the sales made in the course of  
2 business to provide revenue to be used exclusively for (i)  
3 school facility purposes or (ii) school resource officers and  
4 mental health professionals, or (iii) school facility  
5 purposes, school resource officers, and mental health  
6 professionals, if a proposition for the tax has been submitted  
7 to the electors of that county and approved by a majority of  
8 those voting on the question as provided in subsection (c). The  
9 tax under this Section shall be imposed only in one-quarter  
10 percent increments and may not exceed 1%.

11 This additional tax may not be imposed on the sale of food  
12 for human consumption that is to be consumed off the premises  
13 where it is sold (other than alcoholic beverages, soft drinks,  
14 and food that has been prepared for immediate consumption) and  
15 prescription and non-prescription medicines, drugs, medical  
16 appliances and insulin, urine testing materials, syringes and  
17 needles used by diabetics. The Department of Revenue has full  
18 power to administer and enforce this subsection, to collect all  
19 taxes and penalties due under this subsection, to dispose of  
20 taxes and penalties so collected in the manner provided in this  
21 subsection, and to determine all rights to credit memoranda  
22 arising on account of the erroneous payment of a tax or penalty  
23 under this subsection. The Department shall deposit all taxes  
24 and penalties collected under this subsection into a special  
25 fund created for that purpose.

26 In the administration of and compliance with this

1 subsection, the Department and persons who are subject to this  
2 subsection (i) have the same rights, remedies, privileges,  
3 immunities, powers, and duties, (ii) are subject to the same  
4 conditions, restrictions, limitations, penalties, and  
5 definitions of terms, and (iii) shall employ the same modes of  
6 procedure as are set forth in Sections 1 through 1o, 2 through  
7 2-70 (in respect to all provisions contained in those Sections  
8 other than the State rate of tax), 2a through 2h, 3 (except as  
9 to the disposition of taxes and penalties collected), 4, 5, 5a,  
10 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
11 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation  
12 Tax Act and all provisions of the Uniform Penalty and Interest  
13 Act as if those provisions were set forth in this subsection.

14 The certificate of registration that is issued by the  
15 Department to a retailer under the Retailers' Occupation Tax  
16 Act permits the retailer to engage in a business that is  
17 taxable without registering separately with the Department  
18 under an ordinance or resolution under this subsection.

19 Persons subject to any tax imposed under the authority  
20 granted in this subsection may reimburse themselves for their  
21 seller's tax liability by separately stating that tax as an  
22 additional charge, which may be stated in combination, in a  
23 single amount, with State tax that sellers are required to  
24 collect under the Use Tax Act, pursuant to any bracketed  
25 schedules set forth by the Department.

26 (b) If a tax has been imposed under subsection (a), then a

1 service occupation tax must also be imposed at the same rate  
2 upon all persons engaged, in the county, in the business of  
3 making sales of service, who, as an incident to making those  
4 sales of service, transfer tangible personal property within  
5 the county as an incident to a sale of service.

6 This tax may not be imposed on sales of food for human  
7 consumption that is to be consumed off the premises where it is  
8 sold (other than alcoholic beverages, soft drinks, and food  
9 prepared for immediate consumption) and prescription and  
10 non-prescription medicines, drugs, medical appliances and  
11 insulin, urine testing materials, syringes, and needles used by  
12 diabetics.

13 The tax imposed under this subsection and all civil  
14 penalties that may be assessed as an incident thereof shall be  
15 collected and enforced by the Department and deposited into a  
16 special fund created for that purpose. The Department has full  
17 power to administer and enforce this subsection, to collect all  
18 taxes and penalties due under this subsection, to dispose of  
19 taxes and penalties so collected in the manner provided in this  
20 subsection, and to determine all rights to credit memoranda  
21 arising on account of the erroneous payment of a tax or penalty  
22 under this subsection.

23 In the administration of and compliance with this  
24 subsection, the Department and persons who are subject to this  
25 subsection shall (i) have the same rights, remedies,  
26 privileges, immunities, powers and duties, (ii) be subject to

1 the same conditions, restrictions, limitations, penalties and  
2 definition of terms, and (iii) employ the same modes of  
3 procedure as are set forth in Sections 2 (except that that  
4 reference to State in the definition of supplier maintaining a  
5 place of business in this State means the county), 2a through  
6 2d, 3 through 3-50 (in respect to all provisions contained in  
7 those Sections other than the State rate of tax), 4 (except  
8 that the reference to the State shall be to the county), 5, 7,  
9 8 (except that the jurisdiction to which the tax is a debt to  
10 the extent indicated in that Section 8 is the county), 9  
11 (except as to the disposition of taxes and penalties  
12 collected), 10, 11, 12 (except the reference therein to Section  
13 2b of the Retailers' Occupation Tax Act), 13 (except that any  
14 reference to the State means the county), Section 15, 16, 17,  
15 18, 19, and 20 of the Service Occupation Tax Act and all  
16 provisions of the Uniform Penalty and Interest Act, as fully as  
17 if those provisions were set forth herein.

18 Persons subject to any tax imposed under the authority  
19 granted in this subsection may reimburse themselves for their  
20 serviceman's tax liability by separately stating the tax as an  
21 additional charge, which may be stated in combination, in a  
22 single amount, with State tax that servicemen are authorized to  
23 collect under the Service Use Tax Act, pursuant to any  
24 bracketed schedules set forth by the Department.

25 (c) The tax under this Section may not be imposed until the  
26 question of imposing the tax has been submitted to the electors

1 of the county at a regular election and approved by a majority  
2 of the electors voting on the question. For all regular  
3 elections held prior to August 23, 2011 (the effective date of  
4 Public Act 97-542), upon a resolution by the county board or a  
5 resolution by school district boards that represent at least  
6 51% of the student enrollment within the county, the county  
7 board must certify the question to the proper election  
8 authority in accordance with the Election Code.

9 For all regular elections held prior to August 23, 2011  
10 (the effective date of Public Act 97-542), the election  
11 authority must submit the question in substantially the  
12 following form:

13 Shall (name of county) be authorized to impose a  
14 retailers' occupation tax and a service occupation tax  
15 (commonly referred to as a "sales tax") at a rate of  
16 (insert rate) to be used exclusively for school facility  
17 purposes?

18 The election authority must record the votes as "Yes" or "No".

19 If a majority of the electors voting on the question vote  
20 in the affirmative, then the county may, thereafter, impose the  
21 tax.

22 For all regular elections held on or after August 23, 2011  
23 (the effective date of Public Act 97-542), the regional  
24 superintendent of schools for the county must, upon receipt of  
25 a resolution or resolutions of school district boards that  
26 represent more than 50% of the student enrollment within the

1 county, certify the question to the proper election authority  
2 for submission to the electors of the county at the next  
3 regular election at which the question lawfully may be  
4 submitted to the electors, all in accordance with the Election  
5 Code.

6 For all regular elections held on or after August 23, 2011  
7 (the effective date of Public Act 97-542) and before the  
8 effective date of this amendatory Act of the 100th General  
9 Assembly, the election authority must submit the question in  
10 substantially the following form:

11 Shall a retailers' occupation tax and a service  
12 occupation tax (commonly referred to as a "sales tax") be  
13 imposed in (name of county) at a rate of (insert rate) to  
14 be used exclusively for school facility purposes?

15 The election authority must record the votes as "Yes" or "No".

16 If a majority of the electors voting on the question vote  
17 in the affirmative, then the tax shall be imposed at the rate  
18 set forth in the question.

19 For all regular elections held on or after the effective  
20 date of this amendatory Act of the 100th General Assembly, the  
21 election authority must submit the question as provided in this  
22 paragraph. If the referendum is to expand the use of revenues  
23 from a currently imposed tax to include school resource  
24 officers and mental health professionals, the question shall be  
25 in substantially the following form:

26 In addition to school facility purposes, shall (name of

1       county) school districts be authorized to use revenues from  
2       the tax commonly referred to as the school facility sales  
3       tax that is currently imposed in (name of county) at a rate  
4       of (insert rate) for school resource officers and mental  
5       health professionals?

6       If the referendum is to increase the rate of a tax  
7       currently imposed at less than 1% and dedicate the additional  
8       revenues for school resource officers and mental health  
9       professionals, the question shall be in substantially the  
10      following form:

11           Shall the tax commonly referred to as the school  
12           facility sales tax that is currently imposed in (name of  
13           county) at the rate of (insert rate) be increased to a rate  
14           of (insert rate) with the additional revenues used  
15           exclusively for school resource officers and mental health  
16           professionals?

17      If the referendum is to impose a tax, in a county that has not  
18      previously imposed a tax under this Section, exclusively for  
19      school facility purposes, the question shall be in  
20      substantially the following form:

21           Shall a retailers' occupation tax and a service  
22           occupation tax (commonly referred to as a "sales tax") be  
23           imposed in (name of county) at a rate of (insert rate) to  
24           be used exclusively for school facility purposes?

25      If the referendum is to impose a tax, in a county that has not  
26      previously imposed a tax under this Section, exclusively for

1 school resource officers and mental health professionals, the  
2 question shall be in substantially the following form:

3 Shall a retailers' occupation tax and a service  
4 occupation tax (commonly referred to as a "sales tax") be  
5 imposed in (name of county) at a rate of (insert rate) to  
6 be used exclusively for school resource officers and mental  
7 health professionals?

8 If the referendum is to impose a tax, in a county that has  
9 not previously imposed a tax under this Section, exclusively  
10 for school facility purposes, school resource officers, and  
11 mental health professionals, the question shall be in  
12 substantially the following form:

13 Shall a retailers' occupation tax and a service  
14 occupation tax (commonly referred to as a "sales tax") be  
15 imposed in (name of county) at a rate of (insert rate) to  
16 be used exclusively for school facility purposes, school  
17 resource officers, and mental health professionals?

18 The election authority must record the votes as "Yes" or  
19 "No".

20 If a majority of the electors voting on the question vote  
21 in the affirmative, then the tax shall be imposed at the rate  
22 set forth in the question.

23 For the purposes of this subsection (c), "enrollment" means  
24 the head count of the students residing in the county on the  
25 last school day of September of each year, which must be  
26 reported on the Illinois State Board of Education Public School

1 Fall Enrollment/Housing Report.

2 (d) The Department shall immediately pay over to the State  
3 Treasurer, ex officio, as trustee, all taxes and penalties  
4 collected under this Section to be deposited into the School  
5 Facility Occupation Tax Fund, which shall be an unappropriated  
6 trust fund held outside the State treasury.

7 On or before the 25th day of each calendar month, the  
8 Department shall prepare and certify to the Comptroller the  
9 disbursement of stated sums of money to the regional  
10 superintendents of schools in counties from which retailers or  
11 servicemen have paid taxes or penalties to the Department  
12 during the second preceding calendar month. The amount to be  
13 paid to each regional superintendent of schools and disbursed  
14 to him or her in accordance with Section 3-14.31 of the School  
15 Code, is equal to the amount (not including credit memoranda)  
16 collected from the county under this Section during the second  
17 preceding calendar month by the Department, (i) less 2% of that  
18 amount, which shall be deposited into the Tax Compliance and  
19 Administration Fund and shall be used by the Department,  
20 subject to appropriation, to cover the costs of the Department  
21 in administering and enforcing the provisions of this Section,  
22 on behalf of the county, (ii) plus an amount that the  
23 Department determines is necessary to offset any amounts that  
24 were erroneously paid to a different taxing body; (iii) less an  
25 amount equal to the amount of refunds made during the second  
26 preceding calendar month by the Department on behalf of the

1 county; and (iv) less any amount that the Department determines  
2 is necessary to offset any amounts that were payable to a  
3 different taxing body but were erroneously paid to the county.  
4 When certifying the amount of a monthly disbursement to a  
5 regional superintendent of schools under this Section, the  
6 Department shall increase or decrease the amounts by an amount  
7 necessary to offset any miscalculation of previous  
8 disbursements within the previous 6 months from the time a  
9 miscalculation is discovered.

10 Within 10 days after receipt by the Comptroller from the  
11 Department of the disbursement certification to the regional  
12 superintendents of the schools provided for in this Section,  
13 the Comptroller shall cause the orders to be drawn for the  
14 respective amounts in accordance with directions contained in  
15 the certification.

16 If the Department determines that a refund should be made  
17 under this Section to a claimant instead of issuing a credit  
18 memorandum, then the Department shall notify the Comptroller,  
19 who shall cause the order to be drawn for the amount specified  
20 and to the person named in the notification from the  
21 Department. The refund shall be paid by the Treasurer out of  
22 the School Facility Occupation Tax Fund.

23 (e) For the purposes of determining the local governmental  
24 unit whose tax is applicable, a retail sale by a producer of  
25 coal or another mineral mined in Illinois is a sale at retail  
26 at the place where the coal or other mineral mined in Illinois

1 is extracted from the earth. This subsection does not apply to  
2 coal or another mineral when it is delivered or shipped by the  
3 seller to the purchaser at a point outside Illinois so that the  
4 sale is exempt under the United States Constitution as a sale  
5 in interstate or foreign commerce.

6 (f) Nothing in this Section may be construed to authorize a  
7 tax to be imposed upon the privilege of engaging in any  
8 business that under the Constitution of the United States may  
9 not be made the subject of taxation by this State.

10 (g) If a county board imposes a tax under this Section  
11 pursuant to a referendum held before August 23, 2011 (the  
12 effective date of Public Act 97-542) at a rate below the rate  
13 set forth in the question approved by a majority of electors of  
14 that county voting on the question as provided in subsection  
15 (c), then the county board may, by ordinance, increase the rate  
16 of the tax up to the rate set forth in the question approved by  
17 a majority of electors of that county voting on the question as  
18 provided in subsection (c). If a county board imposes a tax  
19 under this Section pursuant to a referendum held before August  
20 23, 2011 (the effective date of Public Act 97-542), then the  
21 board may, by ordinance, discontinue or reduce the rate of the  
22 tax. If a tax is imposed under this Section pursuant to a  
23 referendum held on or after August 23, 2011 (the effective date  
24 of Public Act 97-542) and before the effective date of this  
25 amendatory Act of the 100th General Assembly, then the county  
26 board may reduce or discontinue the tax, but only in accordance

1 with subsection (h-5) of this Section. If a tax is imposed  
2 under this Section pursuant to a referendum held on or after  
3 the effective date of this amendatory Act of the 100th General  
4 Assembly, then the county board may reduce or discontinue the  
5 tax, but only in accordance with subsection (h-10) of this  
6 Section. If, however, a school board issues bonds that are  
7 secured by the proceeds of the tax under this Section, then the  
8 county board may not reduce the tax rate or discontinue the tax  
9 if that rate reduction or discontinuance would adversely affect  
10 the school board's ability to pay the principal and interest on  
11 those bonds as they become due or necessitate the extension of  
12 additional property taxes to pay the principal and interest on  
13 those bonds. If the county board reduces the tax rate or  
14 discontinues the tax, then a referendum must be held in  
15 accordance with subsection (c) of this Section in order to  
16 increase the rate of the tax or to reimpose the discontinued  
17 tax.

18 Until January 1, 2014, the results of any election that  
19 imposes, reduces, or discontinues a tax under this Section must  
20 be certified by the election authority, and any ordinance that  
21 increases or lowers the rate or discontinues the tax must be  
22 certified by the county clerk and, in each case, filed with the  
23 Illinois Department of Revenue either (i) on or before the  
24 first day of April, whereupon the Department shall proceed to  
25 administer and enforce the tax or change in the rate as of the  
26 first day of July next following the filing; or (ii) on or

1 before the first day of October, whereupon the Department shall  
2 proceed to administer and enforce the tax or change in the rate  
3 as of the first day of January next following the filing.

4 Beginning January 1, 2014, the results of any election that  
5 imposes, reduces, or discontinues a tax under this Section must  
6 be certified by the election authority, and any ordinance that  
7 increases or lowers the rate or discontinues the tax must be  
8 certified by the county clerk and, in each case, filed with the  
9 Illinois Department of Revenue either (i) on or before the  
10 first day of May, whereupon the Department shall proceed to  
11 administer and enforce the tax or change in the rate as of the  
12 first day of July next following the filing; or (ii) on or  
13 before the first day of October, whereupon the Department shall  
14 proceed to administer and enforce the tax or change in the rate  
15 as of the first day of January next following the filing.

16 (h) For purposes of this Section, "school facility  
17 purposes" means (i) the acquisition, development,  
18 construction, reconstruction, rehabilitation, improvement,  
19 financing, architectural planning, and installation of capital  
20 facilities consisting of buildings, structures, and durable  
21 equipment and for the acquisition and improvement of real  
22 property and interest in real property required, or expected to  
23 be required, in connection with the capital facilities and (ii)  
24 the payment of bonds or other obligations heretofore or  
25 hereafter issued, including bonds or other obligations  
26 heretofore or hereafter issued to refund or to continue to

1 refund bonds or other obligations issued, for school facility  
2 purposes, provided that the taxes levied to pay those bonds are  
3 abated by the amount of the taxes imposed under this Section  
4 that are used to pay those bonds. "School-facility purposes"  
5 also includes fire prevention, safety, energy conservation,  
6 accessibility, school security, and specified repair purposes  
7 set forth under Section 17-2.11 of the School Code.

8 (h-5) A county board in a county where a tax has been  
9 imposed under this Section pursuant to a referendum held on or  
10 after August 23, 2011 (the effective date of Public Act 97-542)  
11 and before the effective date of this amendatory Act of the  
12 100th General Assembly may, by ordinance or resolution, submit  
13 to the voters of the county the question of reducing or  
14 discontinuing the tax. In the ordinance or resolution, the  
15 county board shall certify the question to the proper election  
16 authority in accordance with the Election Code. The election  
17 authority must submit the question in substantially the  
18 following form:

19 Shall the school facility retailers' occupation tax  
20 and service occupation tax (commonly referred to as the  
21 "school facility sales tax") currently imposed in (name of  
22 county) at a rate of (insert rate) be (reduced to (insert  
23 rate)) (discontinued)?

24 If a majority of the electors voting on the question vote in  
25 the affirmative, then, subject to the provisions of subsection  
26 (g) of this Section, the tax shall be reduced or discontinued

1 as set forth in the question.

2 (h-10) A county board in a county where a tax has been  
3 imposed under this Section pursuant to a referendum held on or  
4 after the effective date of this amendatory Act of the 100th  
5 General Assembly may, by ordinance or resolution, submit to the  
6 voters of the county the question of reducing or discontinuing  
7 the tax. In the ordinance or resolution, the county board shall  
8 certify the question to the proper election authority in  
9 accordance with the Election Code. The election authority must  
10 submit the question in substantially the following form:

11 Shall the school facility and resources retailers'  
12 occupation tax and service occupation tax (commonly  
13 referred to as the "school facility and resources sales  
14 tax") currently imposed in (name of county) at a rate of  
15 (insert rate) be (reduced to (insert rate)) (discontinued)?

16 If a majority of the electors voting on the question vote  
17 in the affirmative, then, subject to the provisions of  
18 subsection (g) of this Section, the tax shall be reduced or  
19 discontinued as set forth in the question.

20 (i) This Section does not apply to Cook County.

21 (j) This Section may be cited as the County School Facility  
22 and Resources Occupation Tax Law.

23 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;  
24 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

1 Section 10-10. The Firearm Owners Identification Card Act  
2 is amended by adding Section 8.5 as follows:

3 (430 ILCS 65/8.5 new)

4 Sec. 8.5. Suspension of a Firearm Owner's Identification  
5 Card under the Gun Violence Restraining Order Act. The  
6 Department of State Police shall suspend a person's Firearm  
7 Owner's Identification Card for the duration of an emergency  
8 gun violence restraining order or a gun violence restraining  
9 order as provided in Section 1-35 of the Gun Violence  
10 Restraining Order Act.

11 Section 10-15. The Firearm Concealed Carry Act is amended  
12 by adding Section 42 as follows:

13 (430 ILCS 66/42 new)

14 Sec. 42. Suspension of a concealed carry license under the  
15 Gun Violence Restraining Order Act. The Department of State  
16 Police shall suspend a person's concealed carry license for the  
17 duration of an emergency gun violence restraining order or a  
18 gun violence restraining order as provided under Section 1-35  
19 of the Gun Violence Restraining Order Act."; and

20 on page 1, by replacing lines 4 through 5 with the following:

1           "Section 10-20. The Criminal Code of 2012 is amended by  
2 changing Sections 5-1, 24-1, and 24-3 and by adding Sections  
3 4-4.5, 5-2.5, and 9-1.5 as follows:

4           (720 ILCS 5/4-4.5 new)

5           Sec. 4-4.5. Purposely or purpose. In Section 5-2.5 and  
6 9-1.5 of this Code, a person acts purposely or with the purpose  
7 when his or her conscious objective is to cause the death of  
8 another human being.

9           (720 ILCS 5/5-1) (from Ch. 38, par. 5-1)

10          Sec. 5-1. Accountability for conduct of another. Except as  
11 provided in Section 5-2.5 of the Code a ~~A~~ person is responsible  
12 for conduct which is an element of an offense if the conduct is  
13 either that of the person himself, or that of another and he is  
14 legally accountable for such conduct as provided in Section 5-2  
15 of this Code, or both.

16 (Source: Laws 1961, p. 1983.)

17          (720 ILCS 5/5-2.5 new)

18          Sec. 5-2.5. Death penalty murder; accountability for acts  
19 of others. A person is legally accountable for the conduct of  
20 another in the commission of death penalty murder only when:

21           (1) having the purpose to cause the death of another  
22 human being without lawful justification, the person  
23 commands, induces, procures, or causes another to perform

1       the conduct; or

2           (2) the person agrees with one or more other persons to  
3       engage in conduct for the common purpose of causing the  
4       death of another human being without lawful justification,  
5       in which case all parties to the agreement shall be  
6       criminally liable for acts of other parties to the  
7       agreement committed during and in furtherance of the  
8       agreement.

9           (720 ILCS 5/9-1.5 new)

10       Sec. 9-1.5. Death penalty murder.

11       (a) In this Section, "human being" means a person who has  
12       been born and is alive.

13       (b) A person commits death penalty murder when at the time  
14       of the commission of the offense he or she has attained the age  
15       of 18 or more and he or she purposely causes the death of  
16       another human being without lawful justification if:

17           (1) at the time of the offense, the person caused the  
18       death of 2 or more other human beings without lawful  
19       justification; or

20           (2) the victim was a peace officer, as defined by  
21       Section 2-13 of this Code, killed in the course of  
22       performing his or her official duties, either to prevent  
23       the performance of the officer's duties or in retaliation  
24       for the performance of the officer's duties, and the person  
25       knew that the victim was a peace officer.

1       (c) The trier of fact regarding the charge of death penalty  
2 murder shall resolve any doubt regarding identification or any  
3 element of the offense in favor of the defendant. A defendant  
4 shall not be found guilty of the offense of death penalty  
5 murder unless each and every element of the offense is  
6 established beyond any doubt. If the trial is by jury, before  
7 the trial commences and again before jury deliberations  
8 commence, the jury shall be instructed that the penalty for  
9 death penalty murder is death.

10       (d) A defendant, who has been found guilty of death penalty  
11 murder, may, at a separate sentencing hearing, present evidence  
12 of mitigating circumstances not rising to the level of legal  
13 justification, including but not limited to evidence of  
14 intellectual disability as provided in Section 114-15 of the  
15 Code of Criminal Procedure of 1963. The prosecution may present  
16 rebuttal evidence. The hearing shall be before the trial judge.  
17 The judge shall sentence the defendant to death, unless he or  
18 she finds that the defendant has, by a preponderance of the  
19 evidence, presented sufficiently substantial evidence to prove  
20 intellectual disability or that imposition of the death penalty  
21 would result in a manifest miscarriage of justice, in which  
22 case the judge shall sentence the defendant to life  
23 imprisonment without the possibility of parole.

24       (e) On appeal from a conviction of death penalty murder,  
25 review of the facts shall be de novo. In conducting its de novo  
26 review of the trial evidence, the appellate court shall resolve

1 all doubt regarding identification and guilt in favor of the  
2 defendant. The appellate court shall conduct an independent  
3 review of the evidence without giving deference to the judgment  
4 of the trier of fact at trial.

5 (f) Sentence. The sentence for death penalty murder is  
6 death.

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful use of weapons.

9 (a) A person commits the offense of unlawful use of weapons  
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or  
12 carries any bludgeon, black-jack, slung-shot, sand-club,  
13 sand-bag, metal knuckles or other knuckle weapon  
14 regardless of its composition, throwing star, or any knife,  
15 commonly referred to as a switchblade knife, which has a  
16 blade that opens automatically by hand pressure applied to  
17 a button, spring or other device in the handle of the  
18 knife, or a ballistic knife, which is a device that propels  
19 a knifelike blade as a projectile by means of a coil  
20 spring, elastic material or compressed gas; or

21 (2) Carries or possesses with intent to use the same  
22 unlawfully against another, a dagger, dirk, billy,  
23 dangerous knife, razor, stiletto, broken bottle or other  
24 piece of glass, stun gun or taser or any other dangerous or  
25 deadly weapon or instrument of like character; or

1           (3) Carries on or about his person or in any vehicle, a  
2           tear gas gun projector or bomb or any object containing  
3           noxious liquid gas or substance, other than an object  
4           containing a non-lethal noxious liquid gas or substance  
5           designed solely for personal defense carried by a person 18  
6           years of age or older; or

7           (4) Carries or possesses in any vehicle or concealed on  
8           or about his person except when on his land or in his own  
9           abode, legal dwelling, or fixed place of business, or on  
10          the land or in the legal dwelling of another person as an  
11          invitee with that person's permission, any pistol,  
12          revolver, stun gun or taser or other firearm, except that  
13          this subsection (a) (4) does not apply to or affect  
14          transportation of weapons that meet one of the following  
15          conditions:

16                 (i) are broken down in a non-functioning state; or

17                 (ii) are not immediately accessible; or

18                 (iii) are unloaded and enclosed in a case, firearm  
19                 carrying box, shipping box, or other container by a  
20                 person who has been issued a currently valid Firearm  
21                 Owner's Identification Card; or

22                 (iv) are carried or possessed in accordance with  
23                 the Firearm Concealed Carry Act by a person who has  
24                 been issued a currently valid license under the Firearm  
25                 Concealed Carry Act; or

26           (5) Sets a spring gun; or

1           (6) Possesses any device or attachment of any kind  
2           designed, used or intended for use in silencing the report  
3           of any firearm; or

4           (7) Sells, manufactures, purchases, possesses or  
5           carries:

6           (i) a machine gun, which shall be defined for the  
7           purposes of this subsection as any weapon, which  
8           shoots, is designed to shoot, or can be readily  
9           restored to shoot, automatically more than one shot  
10          without manually reloading by a single function of the  
11          trigger, including the frame or receiver of any such  
12          weapon, or sells, manufactures, purchases, possesses,  
13          or carries any combination of parts designed or  
14          intended for use in converting any weapon into a  
15          machine gun, or any combination or parts from which a  
16          machine gun can be assembled if such parts are in the  
17          possession or under the control of a person;

18          (i-5) beginning 90 days after the effective date of  
19          this amendatory Act of the 100th General Assembly, a  
20          bump stock or trigger crank. As used in this clause  
21          (i-5):

22          "Bump stock" means any device for a weapon that  
23          increases the rate of fire achievable with the weapon  
24          by using energy from the recoil of the weapon to  
25          generate a reciprocating action that facilitates  
26          repeated activation of the trigger of the weapon.

1           "Trigger crank" means any device to be attached to  
2           a weapon that repeatedly activates the trigger of the  
3           weapon through the use of a lever or other part that is  
4           turned in a circular motion;

5           (ii) any rifle having one or more barrels less than  
6           16 inches in length or a shotgun having one or more  
7           barrels less than 18 inches in length or any weapon  
8           made from a rifle or shotgun, whether by alteration,  
9           modification, or otherwise, if such a weapon as  
10          modified has an overall length of less than 26 inches;  
11          or

12          (iii) any bomb, bomb-shell, grenade, bottle or  
13          other container containing an explosive substance of  
14          over one-quarter ounce for like purposes, such as, but  
15          not limited to, black powder bombs and Molotov  
16          cocktails or artillery projectiles; or

17          (8) Carries or possesses any firearm, stun gun or taser  
18          or other deadly weapon in any place which is licensed to  
19          sell intoxicating beverages, or at any public gathering  
20          held pursuant to a license issued by any governmental body  
21          or any public gathering at which an admission is charged,  
22          excluding a place where a showing, demonstration or lecture  
23          involving the exhibition of unloaded firearms is  
24          conducted.

25          This subsection (a) (8) does not apply to any auction or  
26          raffle of a firearm held pursuant to a license or permit

1 issued by a governmental body, nor does it apply to persons  
2 engaged in firearm safety training courses; or

3 (9) Carries or possesses in a vehicle or on or about  
4 his person any pistol, revolver, stun gun or taser or  
5 firearm or ballistic knife, when he is hooded, robed or  
6 masked in such manner as to conceal his identity; or

7 (10) Carries or possesses on or about his person, upon  
8 any public street, alley, or other public lands within the  
9 corporate limits of a city, village or incorporated town,  
10 except when an invitee thereon or therein, for the purpose  
11 of the display of such weapon or the lawful commerce in  
12 weapons, or except when on his land or in his own abode,  
13 legal dwelling, or fixed place of business, or on the land  
14 or in the legal dwelling of another person as an invitee  
15 with that person's permission, any pistol, revolver, stun  
16 gun or taser or other firearm, except that this subsection  
17 (a) (10) does not apply to or affect transportation of  
18 weapons that meet one of the following conditions:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm  
22 carrying box, shipping box, or other container by a  
23 person who has been issued a currently valid Firearm  
24 Owner's Identification Card; or

25 (iv) are carried or possessed in accordance with  
26 the Firearm Concealed Carry Act by a person who has

1           been issued a currently valid license under the Firearm  
2           Concealed Carry Act.

3           A "stun gun or taser", as used in this paragraph (a)  
4           means (i) any device which is powered by electrical  
5           charging units, such as, batteries, and which fires one or  
6           several barbs attached to a length of wire and which, upon  
7           hitting a human, can send out a current capable of  
8           disrupting the person's nervous system in such a manner as  
9           to render him incapable of normal functioning or (ii) any  
10          device which is powered by electrical charging units, such  
11          as batteries, and which, upon contact with a human or  
12          clothing worn by a human, can send out current capable of  
13          disrupting the person's nervous system in such a manner as  
14          to render him incapable of normal functioning; or

15          (11) Sells, manufactures or purchases any explosive  
16          bullet. For purposes of this paragraph (a) "explosive  
17          bullet" means the projectile portion of an ammunition  
18          cartridge which contains or carries an explosive charge  
19          which will explode upon contact with the flesh of a human  
20          or an animal. "Cartridge" means a tubular metal case having  
21          a projectile affixed at the front thereof and a cap or  
22          primer at the rear end thereof, with the propellant  
23          contained in such tube between the projectile and the cap;  
24          or

25          (12) (Blank); or

26          (13) Carries or possesses on or about his or her person

1 while in a building occupied by a unit of government, a  
2 billy club, other weapon of like character, or other  
3 instrument of like character intended for use as a weapon.  
4 For the purposes of this Section, "billy club" means a  
5 short stick or club commonly carried by police officers  
6 which is either telescopic or constructed of a solid piece  
7 of wood or other man-made material.

8 (b) Sentence. A person convicted of a violation of  
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
10 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
11 Class A misdemeanor. A person convicted of a violation of  
12 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
13 person convicted of a violation of subsection 24-1(a)(6) or  
14 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
15 convicted of a violation of subsection 24-1(a)(7)(i) or  
16 24-1(a)(7)(i-5) commits a Class 2 felony and shall be sentenced  
17 to a term of imprisonment of not less than 3 years and not more  
18 than 7 years, unless the weapon or device is possessed in the  
19 passenger compartment of a motor vehicle as defined in Section  
20 1-146 of the Illinois Vehicle Code, or on the person, while the  
21 weapon is loaded or the device is attached to the loaded  
22 weapon, in which case it shall be a Class X felony. A person  
23 convicted of a second or subsequent violation of subsection  
24 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
25 Class 3 felony. The possession of each weapon or device in  
26 violation of this Section constitutes a single and separate

1 violation.

2 (c) Violations in specific places.

3 (1) A person who violates subsection 24-1(a)(6) or  
4 24-1(a)(7) in any school, regardless of the time of day or  
5 the time of year, in residential property owned, operated  
6 or managed by a public housing agency or leased by a public  
7 housing agency as part of a scattered site or mixed-income  
8 development, in a public park, in a courthouse, on the real  
9 property comprising any school, regardless of the time of  
10 day or the time of year, on residential property owned,  
11 operated or managed by a public housing agency or leased by  
12 a public housing agency as part of a scattered site or  
13 mixed-income development, on the real property comprising  
14 any public park, on the real property comprising any  
15 courthouse, in any conveyance owned, leased or contracted  
16 by a school to transport students to or from school or a  
17 school related activity, in any conveyance owned, leased,  
18 or contracted by a public transportation agency, or on any  
19 public way within 1,000 feet of the real property  
20 comprising any school, public park, courthouse, public  
21 transportation facility, or residential property owned,  
22 operated, or managed by a public housing agency or leased  
23 by a public housing agency as part of a scattered site or  
24 mixed-income development commits a Class 2 felony and shall  
25 be sentenced to a term of imprisonment of not less than 3  
26 years and not more than 7 years.

1           (1.5) A person who violates subsection 24-1(a)(4),  
2           24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
3           time of day or the time of year, in residential property  
4           owned, operated, or managed by a public housing agency or  
5           leased by a public housing agency as part of a scattered  
6           site or mixed-income development, in a public park, in a  
7           courthouse, on the real property comprising any school,  
8           regardless of the time of day or the time of year, on  
9           residential property owned, operated, or managed by a  
10          public housing agency or leased by a public housing agency  
11          as part of a scattered site or mixed-income development, on  
12          the real property comprising any public park, on the real  
13          property comprising any courthouse, in any conveyance  
14          owned, leased, or contracted by a school to transport  
15          students to or from school or a school related activity, in  
16          any conveyance owned, leased, or contracted by a public  
17          transportation agency, or on any public way within 1,000  
18          feet of the real property comprising any school, public  
19          park, courthouse, public transportation facility, or  
20          residential property owned, operated, or managed by a  
21          public housing agency or leased by a public housing agency  
22          as part of a scattered site or mixed-income development  
23          commits a Class 3 felony.

24          (2) A person who violates subsection 24-1(a)(1),  
25          24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
26          time of day or the time of year, in residential property

1 owned, operated or managed by a public housing agency or  
2 leased by a public housing agency as part of a scattered  
3 site or mixed-income development, in a public park, in a  
4 courthouse, on the real property comprising any school,  
5 regardless of the time of day or the time of year, on  
6 residential property owned, operated or managed by a public  
7 housing agency or leased by a public housing agency as part  
8 of a scattered site or mixed-income development, on the  
9 real property comprising any public park, on the real  
10 property comprising any courthouse, in any conveyance  
11 owned, leased or contracted by a school to transport  
12 students to or from school or a school related activity, in  
13 any conveyance owned, leased, or contracted by a public  
14 transportation agency, or on any public way within 1,000  
15 feet of the real property comprising any school, public  
16 park, courthouse, public transportation facility, or  
17 residential property owned, operated, or managed by a  
18 public housing agency or leased by a public housing agency  
19 as part of a scattered site or mixed-income development  
20 commits a Class 4 felony. "Courthouse" means any building  
21 that is used by the Circuit, Appellate, or Supreme Court of  
22 this State for the conduct of official business.

23 (3) Paragraphs (1), (1.5), and (2) of this subsection  
24 (c) shall not apply to law enforcement officers or security  
25 officers of such school, college, or university or to  
26 students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on  
2 school ranges, or otherwise with the consent of school  
3 authorities and which firearms are transported unloaded  
4 enclosed in a suitable case, box, or transportation  
5 package.

6 (4) For the purposes of this subsection (c), "school"  
7 means any public or private elementary or secondary school,  
8 community college, college, or university.

9 (5) For the purposes of this subsection (c), "public  
10 transportation agency" means a public or private agency  
11 that provides for the transportation or conveyance of  
12 persons by means available to the general public, except  
13 for transportation by automobiles not used for conveyance  
14 of the general public as passengers; and "public  
15 transportation facility" means a terminal or other place  
16 where one may obtain public transportation.

17 (d) The presence in an automobile other than a public  
18 omnibus of any weapon, instrument or substance referred to in  
19 subsection (a)(7) is prima facie evidence that it is in the  
20 possession of, and is being carried by, all persons occupying  
21 such automobile at the time such weapon, instrument or  
22 substance is found, except under the following circumstances:  
23 (i) if such weapon, instrument or instrumentality is found upon  
24 the person of one of the occupants therein; or (ii) if such  
25 weapon, instrument or substance is found in an automobile  
26 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his trade, then such presumption shall  
2 not apply to the driver.

3 (e) Exemptions.

4 (1) Crossbows, Common or Compound bows and Underwater  
5 Spearguns are exempted from the definition of ballistic  
6 knife as defined in paragraph (1) of subsection (a) of this  
7 Section.

8 (2) The provision of paragraph (1) of subsection (a) of  
9 this Section prohibiting the sale, manufacture, purchase,  
10 possession, or carrying of any knife, commonly referred to  
11 as a switchblade knife, which has a blade that opens  
12 automatically by hand pressure applied to a button, spring  
13 or other device in the handle of the knife, does not apply  
14 to a person who possesses a currently valid Firearm Owner's  
15 Identification Card previously issued in his or her name by  
16 the Department of State Police or to a person or an entity  
17 engaged in the business of selling or manufacturing  
18 switchblade knives.

19 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.); and

20 by deleting line 6 on page 1 through line 21 on page 3; and

21 on page 5, by replacing lines 2 through 11 with the following:

22 "(g) Delivers any firearm ~~of a size which may be concealed~~  
23 ~~upon the person~~, incidental to a sale, without withholding  
24 delivery of the ~~such~~ firearm for at least 72 hours after

1 application for its purchase has been made, or delivers ~~any~~  
2 ~~rifle, shotgun or other long gun, or~~ a stun gun or taser,  
3 incidental to a sale, without withholding delivery of the ~~such~~  
4 ~~rifle, shotgun or other long gun, or~~ a stun gun or taser for at  
5 least 24 hours after application for its purchase has been  
6 made. However, this paragraph (g) does"; and

7 on page 5, by replacing lines 23 and 24 with "Illinois; (3) the  
8 sale of a firearm to a nonresident of Illinois while at a"; and

9 on page 15, immediately after line 5, by inserting the  
10 following:

11 "Section 10-25. The Code of Criminal Procedure of 1963 is  
12 amended by changing Sections 114-15, 119-1, and 122-2.2 as  
13 follows:

14 (725 ILCS 5/114-15)

15 Sec. 114-15. Intellectual disability.

16 (a) In a first degree murder case in which the State seeks  
17 the death penalty as an appropriate sentence or in a death  
18 penalty murder case, any party may raise the issue of the  
19 defendant's intellectual disabilities by motion. A defendant  
20 wishing to raise the issue of his or her intellectual  
21 disabilities shall provide written notice to the State and the  
22 court as soon as the defendant reasonably believes such issue

1 will be raised.

2 (b) The issue of the defendant's intellectual disabilities  
3 shall be determined in a pretrial hearing. The court shall be  
4 the fact finder on the issue of the defendant's intellectual  
5 disabilities and shall determine the issue by a preponderance  
6 of evidence in which the moving party has the burden of proof.  
7 The court may appoint an expert in the field of intellectual  
8 disabilities. The defendant and the State may offer experts  
9 from the field of intellectual disabilities. The court shall  
10 determine admissibility of evidence and qualification as an  
11 expert.

12 (c) If after a plea of guilty to first degree murder or  
13 death penalty murder, or a finding of guilty of first degree  
14 murder or death penalty murder in a bench trial, or a verdict  
15 of guilty for first degree murder or death penalty murder in a  
16 jury trial, or on a matter remanded from the Supreme Court for  
17 sentencing for first degree murder or death penalty murder, and  
18 the State seeks the death penalty as an appropriate sentence,  
19 the defendant may raise the issue of defendant's intellectual  
20 disabilities not at eligibility but at aggravation and  
21 mitigation. The defendant and the State may offer experts from  
22 the field of intellectual disabilities. The court shall  
23 determine admissibility of evidence and qualification as an  
24 expert.

25 (d) In determining whether the defendant is a person with  
26 an intellectual disability, the intellectual disability must

1 have manifested itself by the age of 18. IQ tests and  
2 psychometric tests administered to the defendant must be the  
3 kind and type recognized by experts in the field of  
4 intellectual disabilities. In order for the defendant to be  
5 considered a person with an intellectual disability, a low IQ  
6 must be accompanied by significant deficits in adaptive  
7 behavior in at least 2 of the following skill areas:  
8 communication, self-care, social or interpersonal skills, home  
9 living, self-direction, academics, health and safety, use of  
10 community resources, and work. An intelligence quotient (IQ) of  
11 75 or below is presumptive evidence of an intellectual  
12 disability.

13 (e) Evidence of an intellectual disability that did not  
14 result in disqualifying the case as a capital case, may be  
15 introduced as evidence in mitigation during a capital  
16 sentencing hearing. A failure of the court to determine that  
17 the defendant is a person with an intellectual disability does  
18 not preclude the court during trial from allowing evidence  
19 relating to mental disability should the court deem it  
20 appropriate.

21 (f) If the court determines at a pretrial hearing or after  
22 remand that a capital defendant is a person with an  
23 intellectual disability, and the State does not appeal pursuant  
24 to Supreme Court Rule 604, the case shall no longer be  
25 considered a capital case and the procedural guidelines  
26 established for capital cases shall no longer be applicable to

1 the defendant. In that case, the defendant shall be sentenced  
2 under the sentencing provisions of Chapter V of the Unified  
3 Code of Corrections.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (725 ILCS 5/119-1)

6 Sec. 119-1. Death penalty abolished.

7 (a) Except as otherwise provided in subsection (a-5) of  
8 this Section, beginning ~~Beginning~~ on the effective date of this  
9 amendatory Act of the 96th General Assembly, notwithstanding  
10 any other law to the contrary, the death penalty is abolished  
11 and a sentence to death may not be imposed.

12 (a-5) A sentence of death shall be imposed for death  
13 penalty murder.

14 (b) All unobligated and unexpended moneys remaining in the  
15 Capital Litigation Trust Fund on the effective date of this  
16 amendatory Act of the 96th General Assembly shall be  
17 transferred into the Death Penalty Abolition Fund, a special  
18 fund in the State treasury, to be expended by the Illinois  
19 Criminal Justice Information Authority, for services for  
20 families of victims of homicide or murder and for training of  
21 law enforcement personnel.

22 (Source: P.A. 96-1543, eff. 7-1-11.)

23 (725 ILCS 5/122-2.2)

24 Sec. 122-2.2. Intellectual disability and post-conviction

1 relief.

2 (a) In cases where no determination of an intellectual  
3 disability was made and a defendant has been convicted of  
4 first-degree murder or death penalty murder, sentenced to  
5 death, and is in custody pending execution of the sentence of  
6 death, the following procedures shall apply:

7 (1) Notwithstanding any other provision of law or rule  
8 of court, a defendant may seek relief from the death  
9 sentence through a petition for post-conviction relief  
10 under this Article alleging that the defendant was a person  
11 with an intellectual disability as defined in Section  
12 114-15 at the time the offense was alleged to have been  
13 committed.

14 (2) The petition must be filed within 180 days of the  
15 effective date of this amendatory Act of the 93rd General  
16 Assembly or within 180 days of the issuance of the mandate  
17 by the Illinois Supreme Court setting the date of  
18 execution, whichever is later.

19 (b) All other provisions of this Article governing  
20 petitions for post-conviction relief shall apply to a petition  
21 for post-conviction relief alleging an intellectual  
22 disability.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

24 (725 ILCS 165/Act rep.)

1 Section 10-30. The Firearm Seizure Act is repealed.

2 Section 10-35. The Unified Code of Corrections is amended  
3 by changing Section 5-4.5-10 and by adding Section 5-4.5-20.5  
4 as follows:

5 (730 ILCS 5/5-4.5-10)

6 Sec. 5-4.5-10. OFFENSE CLASSIFICATIONS.

7 (a) FELONY CLASSIFICATIONS. Felonies are classified, for  
8 the purpose of sentencing, as follows:

9 (1) First degree murder (as a separate class of  
10 felony).

11 (1.5) Death penalty murder (as a separate class of  
12 felony).

13 (2) Class X felonies.

14 (3) Class 1 felonies.

15 (4) Class 2 felonies.

16 (5) Class 3 felonies.

17 (6) Class 4 felonies.

18 (b) MISDEMEANOR CLASSIFICATIONS. Misdemeanors are  
19 classified, for the purpose of sentencing, as follows:

20 (1) Class A misdemeanors.

21 (2) Class B misdemeanors.

22 (3) Class C misdemeanors.

23 (c) PETTY AND BUSINESS OFFENSES. Petty offenses and  
24 business offenses are not classified.

1 (Source: P.A. 95-1052, eff. 7-1-09.)

2 (730 ILCS 5/5-4.5-20.5 new)

3 Sec. 5-4.5-20.5. DEATH PENALTY MURDER; SENTENCE. For death  
4 penalty murder, the defendant shall be sentenced to death,  
5 unless the trial judge finds that the defendant has, by a  
6 preponderance of the evidence, presented sufficiently  
7 substantial evidence to outweigh the circumstances of the  
8 offense and the evidence presented by the prosecution at the  
9 sentencing hearing, in which case the judge shall sentence the  
10 defendant to life imprisonment without the possibility of  
11 parole.

12 Article 999. Effective Date."; and

13 on page 15, by replacing lines 6 through 7 with the following:

14 "Section 999-5. Effective date. This Act takes effect upon  
15 becoming law."

16 Date: \_\_\_\_\_, 2018 \_\_\_\_\_